

12261 Diana Natalicio Dr.



BUILDING AND STANDARDS BOARD AGENDA ITEM 7 FOR  
WEDNESDAY, JULY 29, 2009

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 15, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Torres–Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 12261 Diana Natalicio Dr., El Paso, Texas 79936

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated March 27, 2009. The original two story family dwelling was built in 2000 and shows various signs of advanced state of distress throughout the property. Structural cracks are evident throughout. Engineer reports indicate that this situation was most probably caused by foundation failure. Past cosmetic attempts to correct deficiencies have being unsuccessful. Observations and comments are based and agreed with submitted engineering reports.
- 2) A certified condemnation letter was mailed to Deborah A Waddle-Brooks 12261 Diana Natalicio., El Paso, Texas 79936.
- 3) Certified notices of the public hearing scheduled for July 29, 2009, were mailed to the owners and all interested parties on July 15, 2009.
- 4) There has been contact with the previous owner who requested the investigation.
- 5) As of July 9, 2009, \$16,761.28 in taxes is owed.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure be vacated, remain vacated and secured until rehabilitated or demolished; and
- 5) That the structure comply with Engineer's recommendations. Alternative 1 : Replacement of the dwelling structure or Alternative 2 : Mechanical stabilization of the dwelling structure.
- 6) That the structure comply with Engineer's recommendations or be demolished within 30 days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

*Dedicated to Outstanding Customer Service for a Better Community*

S E R V I C E   S O L U T I O N S   S U C C E S S



DEVELOPMENT SERVICES DEPARTMENT  
May 6, 2009

Deborah A Waddle-Brooks  
12261 Diana Natalicio Dr.  
El Paso, Texas 79936

Re: 12261 Diana Natalicio Dr.  
Blk: 574 Vista Del Sol Unit 152  
Lot: 15  
Zoned: R-3A  
BSC09-00299  
Mail Receipt #:  
7007 3020 0001 2772 6392

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.106.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.106.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lill

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### **18.50.106.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### **18.50.106.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **12261 Diana Natalicio Dr., El Paso, Texas, 79936** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The repairs to the structural elements and/or service systems referred to in previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated

and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Sergio Melendez  
Building Combination Inspector Supervisor

SM/nms

## **NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **July, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **12261 Diana Natalicio Dr.**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 15, Block 574, Vista Del Sol Unit One Hundred Fifty Two, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 75, Page 30 and 30A, Real property records of El Paso County, Texas**

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

According to the real property records of the County of El Paso, J P Morgan Chase Bank, National Association, C/O Codillis & Starviarski, 650 N. Sam Houston Parkway East, Suite 450, Houston, Texas, 77060, JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, Ohio, 43240, J.P. Morgan Chase Bank, N.A., Home Equity Loan Servicing, P. O. Box 24714, Columbus, Ohio, 43224, Deborah A. Waddle-Brooks, 12261 Diana Natalicio, El Paso, Texas, 79936 (the "**Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Mark Shoesmith  
Assistant City Attorney

Bill Stern, C.B.O.  
Chief Building Inspector  
Development Services Department



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 12261 Diana Natalicio Dr. was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase bank, National Association  
c/o Codillis & Starviarski  
650 N. Sam Houston Parkway East  
Suite 450  
Houston, Texas 77060

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

James L. Robertson, Trustee  
JP Morgan Chase Bank  
Retail Loan Servicing KY2-1606  
P. O. Box 11606  
Lexington, KY 40576-1606

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase Bank, N.A.  
1111 Polaris Parkway  
Columbus, Ohio 43240

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase Bank, N.A.  
Home Equity Loan Servicing  
P. O. Box 24714  
Columbus, Ohio 43224

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Deborah A Waddle-Brooks  
12261 Diana Natalicio Dr.  
El Paso, Texas 79936

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 12261 Diana Natalicio Dr., El Paso, Texas.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector



## **UNSAFE STRUCTURES REPORT**

### **BUILDING PERMITS AND INSPECTIONS**

**DATE OF EXAMINATION:** March 27, 2009 **REP.**  
**DISTRICT:** 6

**ADDRESS:** 12261 Diana Natalicio Dr. **ZONED:** R – 3A

**LEGAL DESCRIPTION:** Blk 574 Vista Del Sol, Lot 15

**OWNER:** Deborah A. Waddle-Brooks **ADDRESS:** 12261 Diana Natalicio Dr.  
El Paso, Texas 79936

**BUILDING USE:** Single family dwelling

**TYPE OF CONSTRUCTION:** V-Wood frame and stucco.

**FOOTINGS:** Concrete – Post Tension

**CONDITION:** Poor. Probable foundation failure which has caused extensive distress to the structural integrity of the dwelling.

**FOUNDATION WALL:** N/A

**CONDITION:**

**FLOOR STRUCTURE:** Concrete-Tile/Carpet.

**CONDITION:** Portions of the carpet and tile are damaged due to water damage and foundation movement.

**EXTERIOR WALLS:** Wood frame/stucco finish

**HEIGHT:** 15' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor. The exterior wall surfaces on both floor areas have several cracks, from hairline to wider diagonal, vertical and horizontal cracks. The cracks in the rear wall are the wider diagonal.

**INTERIOR WALLS & CEILINGS:** Gypsum board

**CONDITION:** Poor. Portions of both walls and ceilings have moisture damage due to roof leaks and possible plumbing leaks. Structural cracks are evident throughout the dwelling.

**ROOF STRUCTURE:** Shingle/Tile Pitched Roof

**CONDITION:** Poor. Water leaks are evident throughout interior walls and ceilings.

**DOORS, WINDOWS, ETC.:** Wood frame doors/metal sash windows.

**CONDITION:** Poor. Numerous doors and windows throughout the dwelling have been compromised due to structural instability of the dwelling. Miss alignment and jamming on doors and windows is evident throughout.

**MEANS OF EGRESS:** N/A

**CONDITION:**

**PLUMBING:** Poor. The foundation has had some settlement and there is a probability that plumbing lines may have broken or become loose at portions of the plumbing system. A licensed plumber should check all water and drain lines for leaks or broken pipes.

**ELECTRICAL:** A licensed electrical contractor should be hired to verify that the electrical system has not been compromised due to the dwelling's structural instability.

**MECHANICAL:** A licensed electrical contractor should be hired to verify that the mechanical system has not been compromised due to the dwelling's structural instability.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** One

**WARNING POSTED:** Yes  
No

**BARRICADED:** No

**POLICE AID REQD.:**

**REMARKS:** This two story family residence was built in 2000. Structural instability is evident throughout the property caused by foundation failure. This conclusion is based on submitted engineering reports. Attempts have been made unsuccessfully to correct deficiencies. Engineer's recommendations to replace the dwelling structure or to mechanically stabilize the dwelling structure should be taken into consideration.

Sergio Melendez

Residential Combination Inspector Supervisor

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** June 10, 2009

**MEMO TO:** William Stern C.B.O., Residential Inspector Supervisor

**FROM:** Carlton Brown, Assoc. Code Compliance Insp.

**SUBJECT:** Condemnation Report # BSC09-00299  
Case # COD09-11580

**RE:** 12261 Diana Natalicio Dr. 574 Vista Del Sol Unit 152, Lot 15

An inspection of the property was conducted on 6/10/09 and the conditions checked were in reference to of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE MANAGEMENT - STORAGE AREA N/A**

**SECTION 9.04.340 – ACCUMULATIONS N/A**

**SECTION 9.16 - NUISANCE 9.16.010 (A)**

Large amount of dog feces in the back yard. Odor is very strong

**SECTION 9.16.010 – DESIGNATED 9.16.016**

**Wall and sidewalk seperation**

**SECTION 9.28 -RAT CONTROL**

The only possible entrance is through the hole from the wall sidewalk separation

